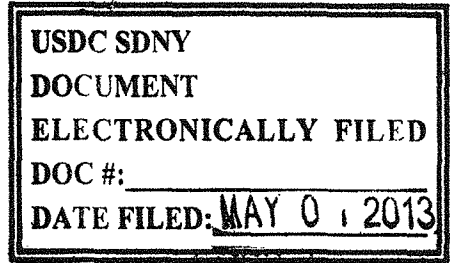


Exhibit A



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
COSMIN ZAMBONI, ET AL.,

Plaintiffs,

-v-

PEPE WEST 48TH STREET LLC, ET AL.,

Defendants.
-----X

12 Civ. 3157 (AJN) (JCF)

ORDER

ALISON J. NATHAN, District Judge:

In response to this Court's order dated April 9, 2013, Defendants submitted a letter arguing, among other things, that pursuant to Rule 41 of the Federal Rules of Civil procedure, the parties are entitled to dismiss this action by stipulation and without court approval. (Dkt. # 45)

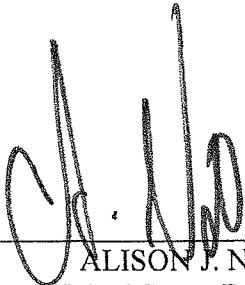
The relevant portion of Rule 41 allows parties to dismiss an action without court-approval so long as doing so would not contravene "any applicable federal statute." Fed.R.Civ.P. 41(a)(1)(A)(ii). Although this Court has previously interpreted the "any applicable federal statute" language to include the FLSA, thereby requiring court approval prior to dismissal, it now believes that position was in error. For the reasons thoughtfully detailed by Judge Cogan in *Picerni v. Bilingual Seit & Preschool, Inc.*, No. 12 Civ. 4938, 2013 U.S. Dist. LEXIS 24622 (E.D.N.Y. Feb. 22, 2013), the Court is persuaded that the FLSA is not one of the qualifying statutes that falls within Rule 41's "any applicable federal statute" provision. Thus, if Defendants are willing to undertake the risk of voluntarily dismissing this FLSA action without judicial approval, the parties may proceed in this fashion.

However, to the extent the parties seek judicial approval of their settlement, the terms of the settlement must be public.

Accordingly, on or before May 8, 2013, the parties shall either (1) submit a stipulation of dismissal pursuant to Rule 41; (2) submit a revised settlement agreement that does not include a confidentiality provision; or (3) submit a letter to the Court indicating that the parties intend to proceed with litigation of the above-captioned matter.

SO ORDERED.

Dated: May 1, 2013
New York, New York



ALISON J. NATHAN
United States District Judge